IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 7742 of 2003

Between:

1. Marri Ramalingaiah S/o Late Viswaswara Rao

   Aged about 47 years, Prop. Viswaswara Enterprises,

   D.No. 1-2-96, Jayasurya Complex, behind S.V.N. Colony,

   Guntur, Guntur District.

2, M. Durgadevi, W/o M Ramalingaiah, aged about 42 years,

   D.No.1-2-96, Jayasurya Complex,behind S.V.N. Colony,

   Guntur, Guntur District.

..... PETITIONERS

AND

1. The State Bank of India (a public Corporation Constituted

Under State Bank of India Act 1955) rep by its Asst. General Manager,

C.N.W.Branch, Guntur, Guntur District.

2. The Union of India rep. By its secretary, Ministry of Finance (Banking Division), Jeevandeep Building.

Sansadmarg, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issued a writ of Mandamus or any other appropriate Writ, order or direction declaring the provisions of Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as unconstitutional and violative of Art 14 of the Constitution of India and to consequentially declare the notice issued by the Ist respondent dated 17-3-2003 as illegal and to direct the respondents herein to act in accordance with the law and pass such other order or orders as this Honourable court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.T.NAGARJUNA REDDY

Counsel for the Respondent No1.: MR.N.PARAMESWARA REDDY

Counsel for the respondent No.2: Smt. P.Bala Rani.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

....

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD. Vs. UNION OF INDIA & OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted. Writ petition is, therefore, dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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G. ROHINI. J.,

Dated: 15.07.2004.

VRK.

To

1. The Asst. General Manager, State Bank of India,

   C.N.W.Branch, Guntur, Guntur District.

2. The Secretary to Union of India, Ministry of Finance (Banking Division), Jeevandeep Building.

Sansadmarg, New Delhi.

3. **Two CD copies.**

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE Ms. JUSTICE G. ROHINI.

W.P.NO. 7742 OF 2003.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 15.07.2004.

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